

Town of East Hampton  
**Inland Wetlands and Watercourses Agency**  
**Regular Meeting**  
May 27, 2020 – 6:30 P.M.  
Virtual Meeting

**MINUTES**

**Present:** Chairman Foran, Vice-Chairman Wilson (arrived at 6:31 after Agenda Item 3), W. Dean Kavalkovich, Robert Talbot (arrived at 6:32 p.m. after Agenda Item 3), Scott Hill, David Boule and Alternate Tess Lundgren.

**Absent:** Peter Wall

**1. Call to Order:** The meeting was called to order at 6:30 p.m. by Chairman Foran.

**2. Seating of Alternates:** Chairman Foran seated Ms. Lundgren.

**3. Approval of Minutes:**

**A) April 29, 2020 Regular Meeting:** Mr. Kavalkovich made a motion to approve the April 29, 2020 minutes as written. The motion was seconded by Mr. Hill. **(5-0)**

**4. Communications, Enforcement and Public Comment:**

Communications: None.

Enforcement: None.

Public Comment: None.

**5. Agent Approval:** None.

**6. Reading of the Legal Notice:** Not required.

**7. Continued Applications:**

**A. Application IW-20-009: Peter and Sheila Engel, Markham Rd., three lot subdivision and associated driveway improvements for a common drive in the Upland Review Area. Map 35/Block 91/Lot 2-3A.** Joel Fuller surveyed the land and presented on behalf of the applicants. The soil scientist provided written certification that there are no additional wetlands on the property. Since they are putting in a (wider) common driveway for the future lots there will be a small amount of disturbance in the Upland Review Area. The driveway will be sloped to the west and a 2' bottom grass swale added to allow runoff to percolate into the ground. The runoff will be outside the wetlands to a field stoned pad then into the

wetlands and through a 24" RCP that exists on the road. There are some trees that will be removed and a construction pad will be installed. An easement was acquired for the rear 2 lots to avoid any additional disturbance in the wetlands. Silt fence will be wrapped around the area for erosion and sedimentation control. Vice-Chairman Wilson made a motion to approve the application using the standard short form for the following reason: the applicant has shown diligence to avoid wetlands and to minimize impacts with activity within the 100' Upland Review Area. Mr. Talbot seconded the motion. **Vote: 7-0**

## **8. New Applications:**

- A. Application IW-20-011: Edgewater Hill Enterprises, LLC.,** construction of Market Square 2 building with regulated activities in the Upland Review Area. Map 10A/Block 85/Lot 5C. Chairman Foran stated for the record that he worked with the owners of this property on a previous project and that there is no conflict of interest for this application because he is not involved in any way. He will be hearing the application as a Commission member. Attorney Harry Heller of Uncasville presented. The application is for the development of the MS2 building which will be a 3 story mixed use building with commercial use on the first floor and residential use on the 2<sup>nd</sup> and 3<sup>rd</sup> floors. The master plan was approved in 2012 and the fully engineered submitted with this application are consistent with the master plan. There are 2 activities being proposed in the Upland Review Area: the first is the installation of a dry hydrant to provide a water source for fires. It will be a pipe with a strainer at the end that goes into the pond about 20'. A turbidity curtain will be installed and extend down to the pond bottom with weights to keep it in place. The construction area will be encircled with silt fence then the area will be stabilized. The second activity will be an access dumpster (south of the parking lot) and relocating the driveway at 158 East High Street. The runoff will be captured in catch basins and hoods then discharge to a temporary sedimentation trap on the west side adjacent to East High Street. This will become the permanent detention basin which is oversized for the development. The water will be discharged to a 30" culvert pipe under East High Street then to Lake Pocotopaug. The storm water design is intended to decrease the peak rate of runoff. Vice-Chairman Wilson made the following comments: the activity is not 100' but 200' from the upland review area because it is within the watershed therefore the plans should be revised to reflect that and that the installation and maintenance of the dry hydrant is permitted as a non-regulated use in the wetlands per Sec. 4.2.C of the Regulations. Mr. Talbot made a motion to continue the application to the next regularly scheduled meeting on June 24, 2020. Mr. Kavalkovich seconded the motion. **Vote: 7-0**
- B. Application IW-20-012: Edgewater Hill Enterprises, LLC.,** re-subdivision approval for the creation of 2 lots. Map 10A/Block 85/Lot 5C. Attorney Heller presented the application. This is a subdivision review for 2 lots. The first lot is for the MS2 building and the 2<sup>nd</sup> is for a multifamily/residential use which is southern to the new Town Hall. They are asking for the approval of the lot lines for the subdivision and not for the activity which will be a separate application. There was discussion about what was originally presented in 2012 and what is being presented now. Chairman Foran made a motion to continue the application to the next regularly scheduled meeting on June 24, 2020. Vice-Chairman Wilson seconded the motion. **Vote: 7-0**
- C. Application IW-20-014: Theater Square, LLC.,** to install a 30" high block wall

within the Upland Review Area. Map 01A/Block 39A/Lot 28A. Chuck Halle (owner) presented. Vehicles are getting backed up as they wait in the drive thru line and is ultimately creating safety issues.

They want to widen the area by 12' to allow cars to pass and want to install a 30" high block wall that will go on top of 15' of fill and will be outside the wetland area. The area is a low functioning wetland and there will be no disturbance of soil with the proposed work. The runoff from the additional pavement will drain into existing drains behind the building. There was discussion about helping businesses open again during the COVID-19 pandemic and the objectives of the Inland Wetlands and Watercourse Agency which is to protect the wetlands. Mr. Haller stated that he is expecting an engineered plan and will submit it to the Land Use office. Vice-Chairman Wilson made a motion to continue the application to the next regularly scheduled meeting on June 24, 2020 with the condition that if plans are provided that indicate there is no temporary or permanent impact to the wetlands on site then the application can be considered and approved as an Agent Approval. Mr. Hill seconded the motion. **Vote: 7-0**

- D. Application IW-20-015: Theater Square, LLC.,** to construct a 25' x 25' deck within the Upland Review Area. Map 01A/Block 39A/Lot 28A.

Chuck Haller presented.

The outdoor area is taking up part of the parking lot (3.5 spaces). They want to create an area for outdoor seating to the left side of the building that is outside of the parking area for safety and aesthetics. It is not in the wetlands and there will be minimal disturbance to the Upland Review Area. Vice-Chairman Wilson made a motion to continue the application to the next regularly scheduled meeting on June 24, 2020 with the conditions that if complete plans are provided that indicate there is no temporary or permanent impact to the wetlands on site then the application can be considered and approved as an Agent Approval. Mr. Hill seconded the motion. **Vote: 7-0**

- E. Application IW-20-017: Kelly Foster, 29 Wangonk Trail,** to construct a 8' x 26' deck on lakeside within the Upland Review Area. Map 09A/Block 70C/Lot 27. Kelly presented. The current deck is small (4x6) and they would like to extend it by 8' along a portion of the house but within the setback requirement from the property line. Ryan McNary (contractor) explained that it will be an "L" shaped deck that will run along a portion of the front of the house and along the side. It will be constructed with composite decking with a rail. They will be digging for 10 sonotubes (42" down or rebar if 42" can't be achieved). Hay bales can be placed around the sonotubes so there will be no negative impact to the lake. Mr. Hill made a motion to designate this application as an Agent Approval. The motion was seconded by Vice-Chairman Wilson. **Vote: 7-0**

- F. Application IW-20-016: Town of East Hampton, Sears Park.** Modification to Permit #IW-19-043. Map 04A/Block 63B/Lot 20. Steve Trinkaus, P.E. presented. The original plan was to use PVC pavers and gravel at the lower end of the ramp but the pavers will be adversely impacted by the construction equipment so it would make more sense to use standard asphalt. There will be a yard drain at the bottom corner with 24" grade. The water will go to the Cultec system so the water can be infiltrated. Runoff from the lower half of the driveway will go into a catch basin to treat the water. Vice-Chairman Wilson made a motion to modify the permit based on the revised plans and the same conditions apply. Mr. Talbot seconded the motion. **Vote: 7-0**

**9. Public Hearing:** None.

**10. New Business:** Mr. Hill noticed something dumped into the water channels along the trail that runs behind Global Storage and on Rte. 16 there is a property with a construction trailer on it and dirt has been pushed into the wetlands.

**11. Old Business:** None.

**12. Public Comment:** None.

**13. Adjournment:** The members agreed unanimously to adjourn at 8:27 p.m.

Respectfully submitted,

Christine Castonguay  
Recording Clerk